

CHAIN OF 2/09 EMAILS BY ROTELLA (FOIA 3929, RCVD 5-3-10)
PLUS... COPY OF 2/9/09 ESTIMATE & 1/19/08 MEMO

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To: Daniel A Castrellon/AWP/FAA@FAA,
Cc: Clemortee R Marable/AWP/FAA@FAA,
Bcc:
Subject: Fw: FERS regular vs. FERS disability retirements, Lewis
From: Glen A Rotella/AWP/FAA - Friday 02/13/2009 11:17 AM

Glen Rotella
AWP-16

----- Forwarded by Glen A Rotella/AWP/FAA on 02/13/2009 11:16 AM -----

Glen A Rotella/AWP/FAA
AWP-016A, Labor &
Employee Relations Branch

To Naomi Tsuda/AWP/FAA
cc

02/13/2009 09:16 AM

Subject Fw: FERS regular vs. FERS disability retirements, Lewis

FYI-
Glen Rotella
AWP-16

----- Forwarded by Glen A Rotella/AWP/FAA on 02/13/2009 09:14 AM -----

Glen A Rotella/AWP/FAA
AWP-016A, Labor & Employee
Relations Branch

To Jeff Lewis <lsjef@yahoo.com>
cc Shawna Richard/AWP/FAA@FAA

02/13/2009 08:33 AM

Subject Re: FERS regular vs. FERS disability retirements, Lewis

Jeff,

Just to be clear and avoid any misunderstandings Shawna nor I have any authority to make you any offer of retirement, disability retirement or a settlement on any issues you have. Information supplied is only as a courtesy, at your request, to assist you with whatever decisions you may have to make. All information provided is subject to change due to unknown factors. We are not knowledgeable of any settlement offer and would not normally be involved in any such offer. At this point in time it is our understanding that you are no longer an FAA employee and do not have entitlement to a regular retirement. It is strongly suggested that you have all such discussions concerning settlement and retirement options with your representative.

Having said that I will ask Shawna to attempt to answer your questions below with any available information she may have.

Glen Rotella
AWP-16
Jeff Lewis <lsjef@yahoo.com>

Jeff Lewis
<lsjef@yahoo.com>
02/12/2009 09:14 PM

To Shawna Richard/AWP/FAA@FAA
cc Glen A Rotella/AWP/FAA@FAA

Subject Re: FERS regular vs. FERS disability retirements, Lewis

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Hi Shawna and Glen,

Thanks for forwarding the details on a possible FERS disability retirement.

Now, if I could just make sense of it! ;)

A few quick questions for you:

- 1) computation of high-3. My Average high three is less than each of my actual high three salaries? What gives?
- 2) do I not have a FERS supplement or ATC bridge or some other component that adds to this until regular SS kicks in at age 62? Please explain.
- 3) please understand, in Jason Ralph's rush to have me move along, I never had the benefit of attending an FAA ATC retirement seminar. So, I am extremely uncertain what any retirement includes...thus dependent on you to give me clear, comprehensible data. So, with that in mind...

...if I accepted a regular retirement on 5/31/09 (which was one scenario a long time ago, before I took on the responsibilities of fatherhood), what would my monthly pay be? What components of this pay (regular retirement, FERS supplement, or whatever else...amounts of each, please)

...if I accepted a FERS disability retirement effective whenever it likely would go into effective (Glen might have an idea on this), what would my monthly pay be? Again, please list all components (including SS on this one, right?) and provide amounts for each.

...for both scenarios, would my pay reset at any time other than age 62?

...do they both reset only at 62?

... for each case, what would the reset amounts be at each year of reset, and what additional components would start at what years, for what amount?

Thanks for your help...look forward to seeing your figures.

J

From: "Shawna.Richard@faa.gov" <Shawna.Richard@faa.gov>
To: lsjef@yahoo.com
Cc: Glen.A.Rotella@faa.gov
Sent: Thursday, February 12, 2009 1:38:49 PM
Subject: Re: Fw: me again

Hi Jeff,

I'm not familiar with your specific case, but at the time of your removal, you were only eligible for a disability retirement as opposed to an optional FERS retirement. Previously, you may have received an estimate done on the old retirement program that we no longer use. The estimate I sent does show how the disability will change from initially 60% and then to 40% after one year. It also shows the recomputation at age 62. I believe maybe you did not look over the entire form. This breakdown is found on page 2.

The same estimate is attached here for your convenience. If I have not addressed your concerns or you have any other questions, please let me know.

(See attached file: Lewis,J..pdf)

Shawna Richard
Human Resources Specialist
AWP-14C
(310) 725-7804 (310) 725-6830 (fax)
Starting From Yes!

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Glen A
Rotella/AWP/FAA
AWP-016A, Labor
& Employee
Relations Branch

To
Shawna Richard/AWP/FAA@FAA
cc

Subject
02/11/2009 03:07 PM Fw: me again

Shawna,

I got this back k from Mr. Lewis. I am not sure I follow what he is saying but he is requesting a comparison between disability and regular FERS retirement. Can you do this?

Glen Rotella
AWP-16

----- Forwarded by Glen A Rotella/AWP/FAA on 02/11/2009 03:04 PM -----

Jeff Lewis
<lsjef@yahoo.com>

To
02/10/2009 05:11 PM Glen A Rotella/AWP/FAA@FAA
cc

Subject
Please respond to
lsjef@yahoo.com Re: Fw: me again

Hi Glen,

Thanks for getting that.

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Same problem, though. This format is completely different from what I received in summer 2007, which essentially was to show me a FERS regular retirement vs. a FERS disability retirement. The figures cited then appeared to be 40% figures, whereas the highly attractive figure you just forwarded appears to be a 60% figure (i.e., looks good this year, but drops by a third to 40% after year one). Also, the estimates from summer 2007 included recomputations at age-62...but what Shawna has provided here gives me no indication what would happen to my financial situation at age 62.

All things considered, I cannot help but wonder, huh, if Jason Ralph had not started this mess, I'd be at 100% right now, and at 56, and possibly even at 60 or 62...if I had been allowed to have a real "model work environment" kinda FAA career. I'd have lots of resources to ensure my two daughters can have big weddings, I'd comfortably go buy a car now (or two years ago, really) for lack of fiscal uncertainty...naaaahhhh, what was I thinking?

Anyway, if Shawna or someone can produce a real side-by-side, reliable comparison, showing first-year, after-age-62-conversion, and in between, (and FERS-regular vs. FERS-disability/ATC) I'd have hard numbers to make an intelligent decision. Lacking that, I can only fight on.

Chatted briefly with my attorney re: first deposition...some pretty bizarre but not-at-all-damaging statements from the one guy in the tower who was passed up for round one, the ROI interviews in March-07. More depositions coming, though, next week...

Talk to you later, and thanks again.

Jeff

--- On Tue, 2/10/09, Glen.A.Rotella@faa.gov <Glen.A.Rotella@faa.gov> wrote:

From: Glen.A.Rotella@faa.gov <Glen.A.Rotella@faa.gov>

Subject: Fw: me again

To: "Jeff Lewis" <lsjef@yahoo.com>

Date: Tuesday, February 10, 2009, 8:45 AM

Per your request.

Glen Rotella

AWP-16

----- Forwarded by Glen A Rotella/AWP/FAA on 02/10/2009 08:44 AM -----

Shawna

Richard/AWP/FAA

AWP-014,

To

Employment

Glen A Rotella/AWP/FAA@FAA

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cc Services Branch

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Subject
02/09/2009 07:21 Re: Fw: me again(Document link:
AM Glen A Rotella)

Glen,

You can provide the attached estimate to Mr. Lewis.

(See attached file: Lewis,J..pdf)

Shawna Richard
Human Resources Specialist
AWP-14C
(310) 725-7804 (310) 725-6830 (fax)
Starting From Yes!

LaShon R
Steen/AWP/FAA
To AWP-014,
Employment Shawna Richard/AWP/FAA@FAA
cc Services Branch
Glen A Rotella/AWP/FAA@FAA

Subject
02/05/2009 04:07 Fw: me again
PM

16

Shawna, I think Mr. Lewis may have received the estimate from you.
Please
respond to Glen.

LaShon Steen
Western-Pacific Region
(Lead) Human Resources Specialist, AWP-14B
(310) 725-7861
(310) 725-6832 - fax
Starting From YES!

----- Forwarded by LaShon R Steen/AWP/FAA on 02/05/2009 04:06 PM -----

Glen A
Rotella/AWP/FAA
AWP-016A, Labor &
To Employee LaShon R Steen/AWP/FAA@FAA
Relations Branch
cc
Subject 02/05/2009 03:47 me again
PM

La Shon,

Thanks so much for the work you all did on the OSI/SCI issue for me.

On another note I just got a call from Jeff Lewis. He has been terminated.
He said that some time back, he believes in Aug., that you ran a disability retirement for him. If so would you still have the information? He is inquiring because he is being offered a possible disability retirement and want to know what the figures would be.



Federal Retirement Benefits

LEWIS, JEFF

Federal Retirement Benefits Estimate
02/09/2009 - 10:16 AM



Input Data Summary

Done by Shawn Richard

Employee

Birth Date: 5/4/1959

Retirement

Projected Sick Leave: 0
Retirement Type: Disability Retirement
Separation Date: 11/6/2008

← DISABILITY

FERS Supplement

Earnings approximation selected.

Computed Data Summary

Civilian Annuity

Retirement Eligibility SCD: 12/4/1986
Average High-3 Salary: \$105,365
Annuity Start Date: 11/7/2008
Annuity Start Age: 49 Years 6 Months
Air Traffic Control SCD: 12/4/1986

→ my removal was 11/6/08

CSRS/FERS Retirement Benefits

Your retirement annuity is based on your average Hi-3 salary and the number of years and months of service (additional days of service are not used).

Computation Service Credit

Years	Months	Days	Description
21	11	3	FERS Service Credit

Eligibility Service Credit

Years	Months	Days	Description
21	11	3	Air Traffic Controller

Disability Retirement-Immediate Annuity

Monthly	Annually	Description
\$5,268	\$63,219	FERS Basic Annuity
\$5,268	\$63,216	Net FERS Annuity
\$5,268	\$63,216	Total Annuity after Reductions



Federal Retirement Benefits

LEWIS, JEFF

Federal Retirement Benefits Estimate

02/09/2009 - 10:16 AM

Retirement Benefits Projection (Inflation Adjusted)



This section shows what happens to the purchasing power of the CSRS or FERS net annuity, computed in the previous section, as you grow older in retirement. At each age, after separation, the benefit is reduced by the estimate of price inflation and increased by the annual cost of living adjustments, if any. (See the "Explanation of Retirement Benefits Projection" for more information about inflation and cost of living adjustments). Thus, your future benefits are expressed in terms of the value of today's dollars.

In addition to your OPM retirement annuity, other annuity benefits were added at the ages they begin and adjusted for inflation to give a better picture of your annual purchasing power during your retirement years. For example, Social Security benefits usually will begin at age 62, when the FERS supplement ends. Other benefits may include a TSP annuity and a CSRS Offset.

IMPORTANT: Social Security information must be entered to see the CSRS Offset amount (if applicable) or the reduction in your basic annuity if "Catch-62" applies to an unpaid post-56 deposit for military service.

	Age 49, 02/2009	Age 50, 11/2009	Age 55, 11/2014	Age 58, 11/2017
FERS Annuity	* \$63,216	* \$41,375	* \$39,774	* \$38,841
Net Annuity	\$63,216	\$41,375	\$39,774	\$38,841

	Age 62, 06/2021	Age 72, 06/2031	Age 82, 06/2041	Age 92, 06/2051
FERS Annuity	** \$49,573	\$45,809	\$42,335	\$39,133
Net Annuity	\$49,573	\$45,809	\$42,335	\$39,133

* Your initial annuity will be 60% of your average high-3 salary minus 100% of any Social Security benefit. After one year, your annuity will be 40% of your average salary (less one year's COLA) minus 60% of any Social Security benefit.

** At age 62, your annuity will be recomputed based on actual service plus service you would have completed had you worked from your retirement date until age 62. Your average salary will be increased by all FERS cost-of-living adjustments while retired.

Caveats

This report is an estimate of your Federal retirement annuity based on your data inputs. This estimate should be used as an information tool only. The U.S. Office of Personnel Management is responsible for calculating your precise Federal Retirement Annuity. The estimate produced by this model should by no means replace or influence the calculation generated by OPM. Also, note that due to various rounding techniques, some column figures may not sum to the total number exactly. Federal, State, Local or any other applicable taxes are not reflected in this estimate.



Federal Aviation Administration

...OK, BUT WAIT, I WAS MEDICALLY RE-CERTIFIED ON 1/10/08...

Memorandum

Date: January 10, 2008
To: Facility Manager, Concord ATCT
From: Stephen H. Goodman, M.D., AWP-300
Prepared by: Sandy Poland, Western Pacific Regional Medical Office
Subject: ATC Medical Clearance

EMPLOYEE NAME: Jeffrey Nathan Lewis

ACTION DATE: 01/10/2008 CLEARANCE TERMINATES: 05/31/2008

CLEARANCE DETERMINATION:

X Qualified

LIMITATION:

- X Must wear corrective lens for distant vision while performing ATC duties
X Must have glasses for near vision in his/her immediate possession while performing ATC duties

REASON FOR MEDICAL STATUS DETERMINATION:

_ Special Consideration for medical condition and/or medication

DATE OF EXAM: 10/30/2007 NEXT EXAM: 05/2008 NEXT ECG: On or after 05/04/2009

COMMENTS:

Original Disqualified of June 21, 2007 has been reversed. CC: AWP-14A, AWP-16, AWP-700, AAM-700

AUTHORIZING OFFICIAL: Stephen H. Goodman, M.D.

Handwritten signature/initials in a circle

NOTE: During the year, refer to FAA Order 7210, Facility Operation and Administration, with reference to what types of restricted drugs you cannot take while performing ATCS duties. Report use of any drugs to your supervisor, facility manager, medical officer or his/her representative. During the interval of the annual ATCS medical examination, you shall adhere to FAA Order 3930, ATCS Health Program, and report any health problems, or the use of any drugs to the FAA Flight Surgeon, or his representative.

July 23, 2007

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Stephen:

Here is the case we spoke about. I spoke to Charlie about this diagnosis and we both concluded that the disqualification was appropriate. The 'Copy' of the Memo and file is what was sent to the ATC. The 'Copy' has all the data that is in the file.

Also there are the two P/P's in the large envelop. I released these to the ATC because he had seen them before according to his correspondence[s].

I have included the ROI on the individual. The ROI references Accountability Board cases that I do not know anything about. The ROI has the pertinent information regarding the other employees concerns. If you need additional documentation the manager at Concord Tower has the data.

Finally it appears that the ATC has been employed for 20 years with the FAA. During that time he has been in 8 FAA facilities and achieved FPL at 3.

A handwritten signature consisting of a stylized initial 'S' followed by a long horizontal line.

↑ whose signature? ...

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June 7, 2007

Re: Jeffrey Lewis

Stephen,

Dr. Halderman, in his report dated 5/22/07, opined that Mr. Lewis had a Personality Disorder with Paranoid and Narcissistic Features and Psychosocial Stressors; Moderate-to-Severe.

Dr. Halderman recommended that Lewis should continue to participate in psychotherapy, and for him not to return to duty in an air traffic environment, performing SRD's. He furthermore indicated that he could work in an "evaluator" capacity where he could minimize interpersonal conflict. He indicated that Mr. Lewis' high intellect is an asset to the Agency.

In response, Lewis has demonstrated inappropriate behavior in the workplace for 17 years. He has already been transferred to seven different facilities. In each of these, his behavior remained unchanged. In fact, one could argue that he has become more abusive, with time. He has been in psychotherapy without documented benefit. There is no evidence showing that Mr. Lewis has identified *himself* as the problem, nor has he attempted to make amends to those adversely impacted by his abusive behavior. Additionally, as we know, Mr. Lewis has continued to demonstrate aggressive behavior when contacting the Agency.

Given the nearly two-decade-long pattern of abusive behavior, it is my opinion that the likelihood for significant improvement with treatment regarding Mr. Lewis' personality disorder is much less than probable. While I agree with Dr. Halderman, that intelligence is an asset to the agency, intelligence in the presence of abusive behavior is not, and therefore I would recommend that Mr. Lewis be disqualified.

Stephen

← ...AND, who is this?

DOCTOR-TO-DOCTOR MEMO
(FROM BOTH COPIES OF
"ENTIRE MEDICAL FILE")

THIS COPY: CATH, p81
RCVD 8-24-07